

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IMAD DAWARA,

Petitioner,
v.

WARDEN,

Respondent.

Civil Action No. 23-21817 (RBK)

DECLARATION OF CYNTRENA CROSS-PEART

I, Cyntrena Cross-Peart do hereby declare, certify and state as follows:

1. I am a Senior Attorney Advisor at the Federal Correctional Institution in Fort Dix, New Jersey ("FCI Fort Dix"). I have held this position since April 2021. I have been employed with the United States Department of Justice ("DOJ"), Federal Bureau of Prisons ("BOP") since February 2003.

2. I am aware that on or around November 2, 2023, Imad Dawara, Register Number 69939-066 ("Petitioner"), filed a petition for writ of habeas corpus. Petitioner is a federal inmate currently incarcerated at FCI Fort Dix. See Exhibit 1 SENTRY Public Information Inmate Data.

3. In the petition, Petitioner challenges the BOP's decision to not place him on home confinement pursuant to the Coronavirus Aid, Relief, and Economic Security ("CARES") Act. Specifically, Petitioner contends the BOP erroneously classified him as being convicted of a "crime of violence" which rendered him

ineligible for placement on home confinement under the CARES Act.

4. As part of my official duties, I have access to BOP files maintained in the ordinary course of business on inmates incarcerated within the Federal Bureau of Prisons. I make this declaration in connection with the Respondent's response to the petition for writ of habeas corpus filed by Petitioner.

5. The Bureau of Prisons has established an administrative remedy procedure through which an inmate can seek formal review of any complaint regarding any aspect of his imprisonment. See 28 C.F.R. § 542, et seq.

6. The deadline for completion of informal resolution and submission of a formal written Administrative Remedy Request, on the appropriate form (BP-9), is 20 calendar days following the date on which the basis for the Request occurred. See 28 C.F.R. § 542.14a.

7. In order to exhaust administrative remedies, an inmate must first present his complaint to the Warden of the institution where he is confined. He may then further appeal an adverse decision to the Regional Director within 20 calendar days of the date the Warden signed the response. An inmate who is not satisfied with the Regional Director's response may submit an appeal to the Central Office, General Counsel, within 30 calendar days of the date the Regional Director signed the response. No administrative remedy appeal is considered to have been finally exhausted until it has been denied by the Bureau of Prisons' Central Office. For a DHO appeal, the inmate shall appeal directly to the Regional Director, and does not

have to initially file with the Warden. See 28 C.F.R. §542.14 (d) (2).

8. In the ordinary course of business, computerized indexes of all administrative appeals filed by inmates are maintained so that rapid verification may be made as to whether an inmate has exhausted administrative appeals on a particular issue. On or about January 19, 2024, I accessed the computerized indexes of all administrative remedies filed by Petitioner. See Exhibit 1, SENTRY Administrative Remedy Generalized Retrieval.

9. Petitioner's computerized index reflects on July 26, 2023, Petitioner filed Administrative Remedy Case No. 1170112-F1, requesting to be placed on home confinement via the CARES Act. On November 15, 2023, the Warden at FCI Fort denied Petitioner's request. See Exhibit 1 at p. 4.

10. On August 31, 2023, Petitioner appealed the Warden's decision in Administrative Remedy Case No. 1170112-F1 (Case No. 1170112-R1) to the BOP's Regional Office in Philadelphia, Pennsylvania. On December 22, 2023, Petitioner's appeal in Case No 1170112-R1 was denied. See Exhibit 1 at p. 4.

11. Petitioner's computerized index does not reflect that Petitioner has filed an administrative appeal with the BOP's Central Office in Washington, D.C. regarding the Regional Office's decision in Administrative Remedy Case No. 1170112-R1. See Exhibit 1.

12. Program Statement 5100.08, Inmate Security Designation and

Custody Classification¹ is the BOP's policy that provides the procedure regarding the Bureau of Prisons inmate classification system. The Bureau's classification, designation, and redesignation procedures are consistent with the statutory authority contained in 18 U.S.C. § 3621(b). All classification, designation, and redesignation decisions are made without favoritism given to an inmate's social or economic status.

13. As reflected in Program Statement 5100.08, a classification of "Serious History of Violence" is made when there has been a finding of guilt made reflecting that an individual engaged in aggressive or intimidating behavior which is likely to cause serious bodily harm or death (e.g., aggravated assault, domestic violence, intimidation involving a weapon, incidents involving arson or explosives, rape, etc.).See Program Statement 5100.08, Chapter 4, Page 10, at p. 37.

14. Petitioner's Public Information Inmate Data reflects on June 22, 2021, he was sentenced to a 108-month term of imprisonment after being convicted of Conspiracy to Commit Arson, and Conspiracy to Defraud the United States in violation of 18 U.S.C. §844(n) and 18 U.S.C. § 371. See Exhibit 2.

15. As further reflected in Program Statement 5100.08, the BOP's offense severity scale classifies the offense of arson as a "Greatest Severity" offense due to the substantial risk of death or bodily injury posed by the offense. See Program Statement 5100.08, Appendix A, Page 1 at p. 99.

¹ See Program Statement 5100.08, accessible at https://www.bop.gov/policy/progstat/5100_008cn.pdf.

16. Attached hereto, please find true and correct copies of the following documents:

- Exhibit 1 - SENTRY Administrative Remedy Generalized Retrieval; and
- Exhibit 2 – SENTRY Public Information Inmate Data.

I declare that any and all records attached to this declaration are true and accurate copies maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

Cyntrena Cross-Peart
Cyntrena Cross-Peart
Senior Attorney Advisor
FCI Fort Dix

January 19, 2024
Date

Exhibit 1

FTDCW

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *

01-19-2024

PAGE 001 OF

15:49:32

FUNCTION: L-P SCOPE: REG EQ 69939-066 OUTPUT FORMAT: FULL

-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----

DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____

DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU

DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT

STS/REAS: _____

SUBJECTS: _____

EXTENDED: _ REMEDY LEVEL: _ _ RECEIPT: _ _ _ "OR" EXTENSION: _ _ _

RCV OFC : EQ _____

TRACK: DEPT: _____

PERSON: _____

TYPE: _____

EVNT FACL: EQ _____

RCV FACL.: EQ _____

RCV UN/LC: EQ _____

RCV QTR.: EQ _____

ORIG FACL: EQ _____

ORG UN/LC: EQ _____

ORIG QTR.: EQ _____

G0002

MORE PAGES TO FOLLOW . . .

FTDCW
PAGE 002 OF*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *
01-19-2024
* FULL SCREEN FORMAT * 15:49:32

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: FTD
 REMEDY ID: 1136185-F1 SUB1: 32EM SUB2: DATE RCV: 09-28-2022
 UNT RCV.:UNIT 5841 QTR RCV.: W03-204L FAACL RCV: FTD
 UNT ORG.:UNIT 5841 QTR ORG.: W03-204L FAACL ORG: FTD
 EVT FAACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: MON 11-07-2022
 ABSTRACT.: REQUESTS COPIES OF PSR
 STATUS DT: 11-14-2022 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: P DATE ENTD: 10-05-2022
 REMARKS...:

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA
 DATE DUE DEPARTMENT TO DATE ASSN TRK TYPE DATE RETURNED
 WED 10-12-2022 CORR PGM RB 10-05-2022 INV 11-09-2022

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: NER
 REMEDY ID: 1136185-R1 SUB1: 32EM SUB2: DATE RCV: 12-05-2022
 UNT RCV.:UNIT 5841 QTR RCV.: W03-204L FAACL RCV: FTD
 UNT ORG.:UNIT 5841 QTR ORG.: W03-204L FAACL ORG: FTD
 EVT FAACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: FRI 02-03-2023
 ABSTRACT.: REQUESTS COPIES OF PSR
 STATUS DT: 02-15-2023 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: P DATE ENTD: 01-27-2023
 REMARKS...:

FTDCW *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 01-19-2024
 PAGE 003 OF * FULL SCREEN FORMAT * 15:49:32

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: BOP
 REMEDY ID: 1136185-A1 SUB1: 32EM SUB2: DATE RCV: 02-02-2023
 UNT RCV.: 13 RDAP QTR RCV.: S02-193L FAACL RCV: FTD
 UNT ORG.: UNIT 5841 QTR ORG.: W03-204L FAACL ORG: FTD
 EVT FAACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE:
 ABSTRACT.: REQUESTS COPIES OF PSR
 STATUS DT: 02-24-2023 STATUS CODE: REJ STATUS REASON: RAP RSA
 INCRPTNO.: RCT: EXT: DATE ENTD: 02-24-2023
 REMARKS...:

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: FTD
 REMEDY ID: 1170112-F1 SUB1: 31ZM SUB2: DATE RCV: 07-26-2023
 UNT RCV.: 13 RDAP QTR RCV.: S02-193L FAACL RCV: FTD
 UNT ORG.: 13 RDAP QTR ORG.: S02-193L FAACL ORG: FTD
 EVT FAACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: TUE 08-15-2023
 ABSTRACT.: REQUESTS H/C VIA CARES ACT
 STATUS DT: 08-14-2023 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: DATE ENTD: 07-28-2023
 REMARKS...:

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA
 DATE DUE DEPARTMENT TO DATE ASSN TRK TYPE DATE RETURNED
 FRI 08-04-2023 CORR PGM BV 07-28-2023 INV 08-15-2023

G0002 MORE PAGES TO FOLLOW . . .

REGNO: 69939-066 NAME: DAWARA, IMAD
RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: NER
REMEDIY ID: 1170112-R1 SUB1: 31ZM SUB2: DATE RCV: 08-31-2023
UNT RCV.: 13 RDAP QTR RCV.: S02-193L FAACL RCV: FTD
UNT ORG.: 13 RDAP QTR ORG.: S02-193L FAACL ORG: FTD
EVT FAACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: MON 10-30-2023
ABSTRACT.: REQUESTS H/C VIA CARES ACT
STATUS DT: 12-22-2023 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: P DATE ENTD: 11-15-2023
REMARKS...:

G0000 5 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

Exhibit 2

FTDCW
PAGE 001* PUBLIC INFORMATION
* INMATE DATA
AS OF 01-19-2024* 01-19-2024
* 16:04:12

REGNO...: 69939-066 NAME: DAWARA, IMAD

RESP OF: FTD
PHONE...: 609-723-1100 FAX: 609-724-7557
RACE/SEX...: WHITE / MALE
AGE: 44
PROJ REL MT: GOOD CONDUCT TIME RELEASE PAR ELIG DT: N/A
PROJ REL DT: 06-16-2027 PAR HEAR DT:

G0002

MORE PAGES TO FOLLOW . . .

REGNO...: 69939-066 NAME: DAWARA, IMAD

RESP OF: FTD
PHONE...: 609-723-1100 FAX: 609-724-7557
FSA ELIGIBILITY STATUS IS: ELIGIBLE

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.

HOME DETENTION ELIGIBILITY DATE....: 12-16-2025

FINAL STATUTORY RELEASE FOR INMATE.: 06-16-2027 VIA GCT REL
WITH APPLIED FSA CREDITS.: 365 DAYS
THE INMATE IS PROJECTED FOR RELEASE: 06-16-2026 VIA FSA REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: PENNSYLVANIA, EASTERN DISTRICT
DOCKET NUMBER.....: DPAE2:19CR414-001 &
JUDGE.....: SANCHEZ
DATE SENTENCED/PROBATION IMPOSED: 06-22-2021
DATE COMMITTED.....: 07-07-2021
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$22,214,945.52

-----CURRENT OBLIGATION NO: 010 -----
OFFENSE CODE....: 125 18:844 OTHER THAN F3,H,I
OFF/CHG: 18:844(N) CONSPIRACY TO COMMIT ARSON CT.1 (19-CR-414-1);18:371
CONSPIRACY TO DEFRAUD THE UNITED STATES CT.1 (20-CR-104-1)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 108 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
DATE OF OFFENSE.....: 02-18-2018

REGNO...: 69939-066 NAME: DAWARA, IMAD

RESP OF: FTD
PHONE...: 609-723-1100 FAX: 609-724-7557
-----CURRENT COMPUTATION NO: 010 -----COMPUTATION 010 WAS LAST UPDATED ON 06-21-2022 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 06-21-2022 BY DESIG/SENTENCE COMPUTATION CTRTHE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010DATE COMPUTATION BEGAN.....: 06-22-2021
TOTAL TERM IN EFFECT.....: 108 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 9 YEARS
EARLIEST DATE OF OFFENSE.....: 02-18-2018JAIL CREDIT.....: FROM DATE THRU DATE
10-16-2019 06-21-2021TOTAL PRIOR CREDIT TIME.....: 615
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED..: 486
TOTAL GCT EARNED.....: 216
STATUTORY RELEASE DATE PROJECTED: 06-16-2027
ELDERLY OFFENDER TWO THIRDS DATE: 10-15-2025
EXPIRATION FULL TERM DATE.....: 10-14-2028
TIME SERVED.....: 4 YEARS 3 MONTHS 4 DAYS
PERCENTAGE OF FULL TERM SERVED...: 47.3
PERCENT OF STATUTORY TERM SERVED: 55.5PROJECTED SATISFACTION DATE.....: 06-16-2026
PROJECTED SATISFACTION METHOD...: FSA REL
WITH FSA CREDITS INCLUDED...: 365

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE